HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE SRI JUSTICE P. LAKSHMANA REDDY

WRIT APPEAL NO. 848 of 2005

Dated 20th September, 2005

Between:

Mohd. Mukthar, son of Shaik Hyder, aged about 42 years, Occupation: Employee, resident of Chennur Village, Chennur Mandal, Adilabad District.

……Appellant

And:

1. The Managing Director, The Singareni Colleries Co. Ltd., Kothagudem, Khammam District and others.

…..Respondents.

JUDGMENT : (Per the Honourable Smt. Justice T.Meena Kumari)

This writ appeal is filed by the appellant herein aggrieved by the order passed in W.V.M.P. No.1673 of 2004 in W.P.M.P.No.28511 of 2003 in W.P. No: 22762 of 2003, under which the learned single Judge allowed the same.

The appellant is the writ petitioner and the respondents herein are the respondents in the writ petition. The parties will be referred to as arrayed in the writ petition for the sake of convenience.

At the time of admitting the writ petition, an interim direction was issued in W.P.M.P.No:28511 of 2003 on 29.10.2003 to continue the petitioner as a Lamp Room Mazddor Category No.1 in I Incline, Chennuru. Aggrieved by the same, the respondents filed the Vacate Stay petition in W.V.M.P. No. 1673 of 2004 seeking to

vacate the interim orders dated 29-10-2003 passed in W.P.M.P.No.28511 of 2003. The learned single Judge having observed in similar matters, the interim direction was vacated, allowed the vacate stay petition. Aggrieved by the same, the present writ petition is preferred.

Heard the learned counsel, perused the order impugned and the entire material available on record.

We have gone through the order impugned. As a matter of fact, this appeal is nothing but an outcome of an interim order. Apart from that, the relief that is sought for in the main writ petition and the interlocutory application, is one and the same and therefore, the findings, if any are given at this stage of this proceedings, the same may touch the very merits of the main case resulting prejudice to the rights of either of the parties. In this background of the matter, We feel that the approach of the applicants, is a premature one and therefore, we do not see any merits in this writ appeal and the same is liable to be dismissed.

Accordingly, the writ appeal is dismissed. No costs.

_____

Justice T. Meena Kumari

Date : 20th September, 2005.

_____

Justice P. Lakshmana Reddy

Dvs/nn

HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE SRI JUSTICE P. LAKSHMANA REDDY

WRIT APPEAL NO. 848 of 2005

(Judgment delivered by the Honourable

Smt. Justice T.Meena Kumari)

Dated 20th September, 2005